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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/050,455

01/16/2002

Robert Desbiens

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06/30/2006

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EXAMINER

KENDALL, CHUCK O

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/050,455

Applicant(s)

DESBIENS, ROBERT

Examiner

Chuck O. Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/11/06 has been entered.

2. Claims 1 – 8 have been amended.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kevner USPN 5,956,509 in view of Briton et al. USPN 6,279,030 B1.

Regarding claim 1, Kevner discloses a system for incrementally executing a client/server application (4:30 – 35), leveraging existing communications network infrastructure having at least one client computer and at least one server computer, wherein the at least one client computer and the at least one server computer are in communications with each other over one or more communications links within the network infrastructure, the system comprising:

- a client/server application comprising a server application component and a client component,

- the server application component comprising a plurality of portions, and provided on the at least one server computer (7:1 – 5),

- the client component provided on the at least one client computer, the client component including one or more command selectors, each of the one or more command selectors having (see locator program 314, 9:55 – 65):

- associated code for selecting a function available from the plurality of portions of the server application component (28: 12 – 17, see select command); and

- an associated parameter for use by the server application component in determining the appropriate portion of the plurality of portions to execute to provide the selected function (28:1 – 5, see RequestDynamicParam routine also see 13:13 - 21).

Kevner doesn't expressly disclose wherein portions are incrementally loaded and executed on the server computer in response to the code and parameter from the one or more command selectors for the client/server application. However, Britton in

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analogous art and similar configuration discloses a class loader which loads and executes incrementally by fetching from a repository into the server (7:60 – 815).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Kevner and Britton because, it would enable the application operating transparently to the user of the application (Britton, 8:10 – 12).

Regarding claim 2, the system according to claim 1, wherein one portion of the plurality of portions is a compact portion initially executed upon receipt of a first application function request from the client component (FIG. 10, 1001,1010), the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (9:42 – 55).

Regarding claim 3, which is the method version of claim 1 see rationale above as previously discussed and regarding executing an applicable additional portion of the plurality of portions of the server application component for each request received from the client component for an application function not available from any running portion or portions of the server component (16:45 – 60) and running all executed portions until an end session command is received see (45: 5 – 20).

Regarding claim 4, the method according to claim 3, wherein one portion of the plurality of portions is a compact portion initially executed upon receipt of a first application function request from the client component, the compact portion delivering a streamlined subset of functions applicable to commands most commonly requested to provide a fast executing initial portion of the application (8:35 – 50).

Regarding claim 5, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 6, which recites similarly to claim 5 see rationale as previously discussed above.

Regarding claim 7, which recites similarly to claim 3 see rationale as previously discussed above.

Regarding claim 8, which recites similarly to claim 4 see rationale as previously discussed above.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Ck.

Charles Kendall 8/26/16